

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EMILY PENNER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 2:21-cv-12031

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING REPORT AND RECOMMENDATION [16],
DENYING PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT [12],
AND GRANTING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT [15]**

The Commissioner of the Social Security Administration (“SSA”) denied the application of Plaintiff Emily Penner for Supplemental Security Income and Disability Insurance Benefits in a decision issued by an Administrative Law Judge (“ALJ”). ECF 9, PgID 63–65. After the SSA Appeals Council declined to review the ruling, Plaintiff appealed. ECF 1. The Court referred the matter to Magistrate Judge Curtis Ivy, ECF 2, and the parties cross-moved for summary judgment. ECF 12; 15. The magistrate judge issued a Report and Recommendation (“Report”) suggesting the Court deny Plaintiff’s motion and grant the Commissioner’s motion. ECF 16. Civil Rule 72(b) governs review of a magistrate judge’s report and recommendation. De novo review of the magistrate judge’s findings is required only if the parties “serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). Because neither party filed objections, de novo review of the

Report's conclusions is not required. After reviewing the record, the Court finds that the magistrate judge's conclusions are factually based and legally sound. Accordingly, the Court will adopt the Report's findings, deny Plaintiff's motion for summary judgment, and grant the Commissioner's motion for summary judgment.

WHEREFORE, it is hereby **ORDERED** that the magistrate judge's Report and Recommendation [16] is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [12] is **DENIED**.

IT IS FURTHER ORDERED that the Commissioner's Motion for Summary Judgment [15] is **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED WITH PREJUDICE**.

This is a final order that closes the case.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: August 18, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 18, 2022, by electronic and/or ordinary mail.

s/David P. Parker
Case Manager